



WP(MD)No.24180 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.P.(MD)No.24180 of 2023

K.Paulraj

: Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Palani,
Dindigul District.

3.The Block Development Officer
(Village Panchayat),
O/o Block Development Office,
Palani,
Dindigul District.

: Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 25.09.2023 and restore the Aralikuthukulam Pond, which is situated in Survey Nos. 906, 907 and 908, situated at Vedikkaran Valasu, Kothayam Panchayat, Ottanchathiram Taluk, Dindigul District within the period stipulated by this Hon'ble Court.

For Petitioner : Mr.G.Radhakrishnan

For Respondents : Mr.P.Thilak Kumar,
Government Pleader
Assisted by Mr.M.Senthil Ayyanar,
Government Advocate.

ORDER

[Order of the Court was made by **M.SUNDAR, J.**]

This order will now dispose of the captioned Writ Petition.

2. Mr.G.Radhakrishnan, learned counsel on record for writ petitioner is before us.

3. Factual matrix in a nutshell i.e., facts imperative for appreciating this order are that the nucleus of the captioned Writ Petition is what is described as 'Aralikuthukulam' (hereinafter 'said Pond' for the sake of



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convenience and clarity) situate in Survey Nos. 906, 907 and 908 in Vedikkaran Valasu, Kothayam Panchayat, Ottanchathiram Taluk, Dindigul District; that said Pond is the water source for certain agricultural lands, is PIL petitioner's say; that said Pond admeasures 70 acres or thereabouts and that it is a source for 1000 acres of agricultural lands, is his further say; that the said Pond is damaged and it is necessary to do repair and renovation work is PIL petitioner's further say; that according to PIL petitioner, he is espousing the cause of agriculturalists in his village and has sent a representation dated 25.09.2023; that there is inaction on the part of the respondents is the basis on which captioned Writ Petition has been filed in this Court.

4. Mandamus qua representation can be sought when there is inaction on the part of the respondents and the inaction should be over a period of time. In other words, reasonable time has to be given to the respondents to act on a representation. Therefore, though the captioned Writ Petition does not deserve to be entertained and deserves to be dismissed at the threshold on this one ground (representation dated 25.09.2023, PIL filed on 03.10.2023) considering the nature of the matter ie., prayer to consider the



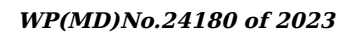
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representation, making an exception and also making it clear that this is a one off case which will not serve as a precedent in similar matters and further making it clear that similar petitions in future will meet with different consequences, we proceed with the matter.

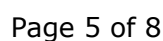
5. Issue notice. Mr.P.Thilak Kumar, learned Government Pleader assisted by Mr.M.Senthil Ayyanar, learned Government Advocate accepted notice. The State counsel are instructed by the jurisdictional Revenue Inspector.

6. On instructions, learned State Counsel submits that the aforementioned survey numbers have been classified as 'Tharisunilam' and it is not a water body. Submitting to the contrary, learned counsel for writ petitioner placed before us some colour photographs.

7. Be that as it may, considering the limited scope of the prayer in the main Writ Petition, main Writ Petition was taken up with the consent of both sides and it is disposed of with a directive to the first respondent to dispose of aforementioned 25.09.2023 representation after causing a site inspection,



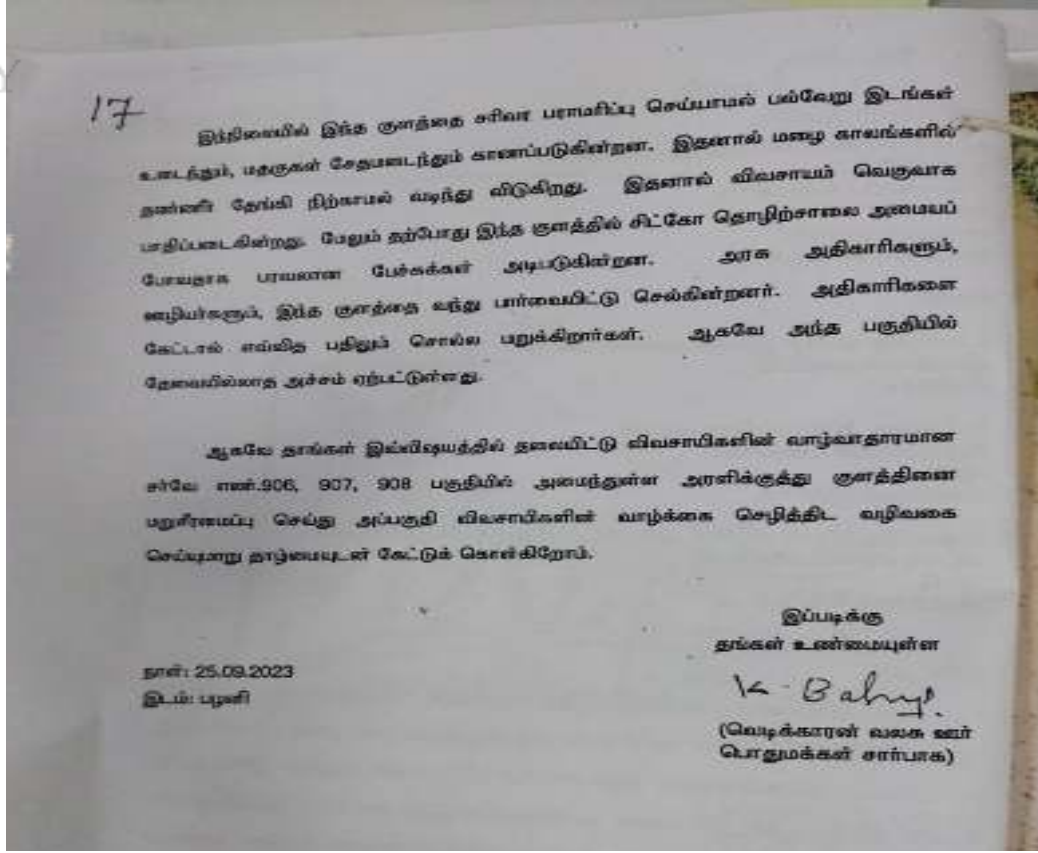
8. Before we write the operative portion of this order, we deem it appropriate to scan and reproduce the representation of the petitioner dated 25.09.2023 as placed before us for convenience of all concerned. The same is as follows:





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9. The aforementioned representation shall be disposed of by the first respondent in the aforementioned manner, as expeditiously as his business would permit but in any event within six weeks from today i.e., on or before 16.11.2023. The order / proceedings disposing of the representation shall be communicated to the Writ Petitioner under due acknowledgement within seven working days from the date of disposal.



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10. Captioned Writ Petition is disposed of in the aforesaid manner.

There shall be no order as to costs.

[M.S.,J.] & [R.K.M.,J.]

05.10.2023

Nuetral Citation: No

Index : No

Internet : Yes

vsm

***Note: Registry is directed to communicate this order to the Thasildar.,
Kothayam Panchayat, Ottanchathiram Taluk, Dindigul District.***

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Revenue Divisional Officer,
Palani,
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- 3.The Block Development Officer
(Village Panchayat),
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